

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS)	MDL No. 2419
LIABILITY LITIGATION)	
Plaintiffs,)	Docket No. 1:13-md-2419 (RWZ)
)	
This document relates to:)	
)	
Armetta, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14022-RWZ)	
)	
Bowman, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	<u>PLAINTIFFS' MOTION FOR LEAVE</u>
No. 1:14-cv-14028-RWZ)	<u>TO APPEAR VIA TELEPHONE AT</u>
)	<u>DECEMBER 8, 2016, STATUS</u>
Davis, et al. v. Box Hill Surgery Center, LLC,)	<u>CONFERENCE and MOTIONS</u>
et al.)	<u>HEARING</u>
No. 1:14-cv-14033-RWZ)	
)	
Dreisch, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14029-RWZ)	
)	
Farthing, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	
No. 1:14-cv-14036-RWZ)	
)	
Kashi, et al. v. Box Hill Surgery Center, LLC,)	
et al.)	
No. 1:14-cv-14026-RWZ)	
)	
Torbeck, et al. v. Box Hill Surgery Center,)	
LLC, et al.,)	
No. 1:14-cv-14023-RWZ)	
)	
Handy v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14019-RWZ)	

Plaintiffs, by their undersigned counsel, hereby move for this Court to allow attorneys Jay D. Miller and Michael Coren to appear via telephone at the December 8, 2016 Status

Conference and Motions Hearing before the Honorable Jennifer C. Boal and the Honorable Rya W. Zobel, and in support thereof, state as follows:

1. Attorney Jay D. Miller represents Plaintiffs, Armetta, Bowman, Davis, Dreisch, Farthing, Kashi, and Torbeck in the above-captioned matters. He is admitted to practice *pro hac vice* before this Court in this MDL proceeding and has appeared regularly at the monthly MDL Status Conferences and Motions Hearings.

2. Attorney Michael Coren represents Plaintiff Handy in the above-captioned matters. He is admitted to practice *pro hac vice* before this Court in this MDL proceeding and has appeared regularly at the monthly MDL Status Conferences and Motions Hearings in prior capacity as co-chair of NECC's Official Creditors Committee. He also is co-counsel to Plaintiff Meghan Handy, Administratrix of the Estate of Brenda Rozek.

3. Attorneys Miller and Coren anticipate speaking on a number of issues, as necessary, including the status of the above-captioned cases. Mr. Miller is located in Maryland. Mr. Coren is located in Philadelphia. Unfortunately, traveling to Boston for the December 8, 2016 Status Conference and Motions Hearing would be an undue burden based on their scheduling conflicts that day.

4. Accordingly, Mr. Miller and Mr. Coren seek leave to appear and speak via telephone for both the December 8, 2016 Status Conference and Motions Hearing.

WHEREFORE, Plaintiffs respectfully pray that this Honorable Court (1) grant Plaintiffs' Motion for Leave to Appear by Telephone at the December 8, 2016 Status Conference and Motions Hearing in front of the Honorable Jennifer C. Boal and the Honorable Rya W. Zobel, and (2) permit counsel Miller and Kirby to be heard on the issues when appropriate and necessary.

Dated: December 5, 2016

Respectfully submitted,

/s/ Jay D. Miller

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CERTIFICATE OF SERVICE

I, Jay D. Miller, hereby certify that a copy of the foregoing document, filed through the CM/ECF system will be accessible to those attorneys who are registered with the Court's electronic filing system and Notice of Electronic filing (NEF), including the attorneys representing the defendants in the above-referenced individual cases, and will be sent to these parties by operation of the CM/ECF system.

Dated: December 5, 2016

/s/ Jay D. Miller

Jay D. Miller

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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Bowman, et al. v. Box Hill Surgery Center,)	
LLC, et al.)	<u>ORDER GRANTING PLAINTIFFS'</u>
No. 1:14-cv-14028-RWZ)	<u>MOTION TO APPEAR VIA</u>
)	<u>TELEPHONE AT DECEMBER 8, 2016</u>
Davis, et al. v. Box Hill Surgery Center, LLC,)	<u>STATUS CONFERENCE and MOTIONS</u>
et al.)	<u>HEARING</u>
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LLC, et al.,)	
No. 1:14-cv-14023-RWZ)	
)	
Handy v. Box Hill Surgery Center, LLC, et al.)	
No. 1:14-cv-14019-RWZ)	

The Court, having considered Plaintiffs' Motion, and good cause appearing therefor,

IT IS this _____ day of _____, 2016, ORDERED that Plaintiffs'

Motion for Leave to Appear via Telephone at the December 8, 2016 Status Conference and
Motions Hearing scheduled by this Court is hereby GRANTED.

JENNIFER C. BOAL
CHIEF MAGISTRATE JUDGE
U.S. DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS